

Application No. 10/001,750
Amendment "11" dated December 2, 2005
Reply to Office Action mailed September 15, 2005

REMARKS

These remarks and the accompanying amendments are responsive to the Office Action dated September 15, 2005 (hereinafter referred to as "the Office Action"). At the time of the last Examination Claims 1-59 were pending for consideration by the Examiner. The Office Action rejects Claims 1-54 either under 35 U.S.C. 102(e) as being anticipated by United States patent publication number 2001/004785 (hereinafter referred to as "Tuatini") or under 35 U.S.C. 103(a) as being unpatentable over Tuatini each in view of another secondary reference. Each of the independent claims within the range of Claims 1-54 have been rejected under 35 U.S.C. 102(e).

Claims 55-59

The Office Action was silent regarding Claim 55-59 (of which Claim 55 is independent), which were submitted by preliminary amendment on November 27, 2002. Accordingly, it appears that the Office Action has not addressed all of the pending claims. The status marker for Claims 55-59 is listed as "previously presented" in the claims, since the undersigned is not aware of any reason why the claims would not have been entered of record. However, in case there was a valid reason for not entering Claims 55-59 of record in response to the preliminary amendment, please consider Claims 55-59 to be newly added herein.

Preliminary Matter regarding Filing Date

As a preliminary matter, the filing receipt incorrectly lists the filing date of this application to be November 22, 2001. This appears to be the result of an entry error on the part of the United States Patent and Trademark Office. The filing date should read October 22, 2001.

A petition for a corrected filing receipt will be submitted to the United States Patent and Trademark Office in due course. These remarks will now address the various rejections set forth in the Office Action.

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Section 1 of the Office Action

Section 1 of the Office Action rejects Claims 1-12, 14-18, 22-28, 31-36, 38, 41-43, 45-48, 50 and 52-54 under 35 U.S.C. 102(c) as being allegedly anticipated by Tuatini. The undersigned respectfully traverses and requests reconsideration for reasons that will be set forth shortly. However, it is noted that Claim 49 is not expressly included in this rejection, although some reasoning for rejecting Claim 49 was included in Section 1. Claim 49 was not rejected in any other portion of the Office Action either. Accordingly, although Claim 49 is not formally rejected in this Office Action, the following remarks will treat Claim 49 as being rejected under the 35 U.S.C. 102(c) rejection of Claim 1, even though its status as a rejected claim is not certain.

The reasoning set forth in section 1 under the heading "Regarding to claims 1 and 22, 24, 27, 48 and 52, which are exemplary with claims 2, 17-18, 23, 31-36, 38, 41-43 and 45-47:" even if taken to be entirely true (which the Applicants do not concede) would appear to support a *prima facie* case for anticipation only with respect to Claims 1, 22, 23, 24. The Office Action does not even assert that Tuatini teaches the specific features recited in Claims 2, 17-18, 27, 31-36, 38, 41-43, 45-48 and 52, other than simply rejecting these claims. Accordingly, with respect to these claims (Claims 2, 17-18, 27, 31-36, 38, 41-43, 45-48 and 52), the rejection should be withdrawn for failing to provide a *prima facie* case of anticipation. That is, even if the statements within the Office Action are all taken to be true, there would not be sufficient evidence of record to support a legal rejection of these claims as being anticipated by Tuatini.

Even with respect to Claims 1, 22, 23 and 24, the rejection should be withdrawn. Claim 1 recites a method for one of multiple applications to operate on data related to an identity in a computer environment that includes the multiple applications that operate on data related to the

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identity and including a service that maintains data associated with the identity. The method includes identification of a data structure that represents data that is to be operated on, the data being associated with the identity such that the data belongs to the associated identity and also such that the identity retains control over access privileges of the plurality of applications to the data, the data structure being in accordance with a data format recognized by the service and the plurality of applications; construction of a network message in accordance with a message format that is recognized by the service, the network message representing a request to perform the operation on the data structure, the network message identifying the data structure by identifying the identity; and the dispatching of the network message to the service. Claim 22 is similar, but from the viewpoint of a computer program product that performs the method, rather than the method itself. Claim 24 is similar to Claim 1, except that it depends through an independent claim 23 that contains some elements that fall under 35 U.S.C. 112, paragraph 6.

Tuatini discloses an application architecture that allows applications to intercommunicate. An application framework receives requests for services from clients, identifies application handler components that can service the requests and application view handler components that can format the responses. The application framework then invokes the application and view handler components to formulate the response, which is then sent back to the clients. Thus, the communication model of Tuatini is not identity-centric data access whatsoever.

Firstly, section 1 equates the recited "data structure" of Claim 1 to be equivalent to an "application architecture". While the Examiner's may give the claims their broadest reasonable interpretation when evaluating, when a claim is anticipated by a reference, the undersigned

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respectfully submits that the term "data structure" as used in the present application and by its accepted meaning in the art is not at all equivalent to the term "application architecture".

Even if this assertion of equivalence were true, however, Tuatini has no teaching or suggestion that the data structure represents data that is associated with an identity such that the data belongs to the associated identity and also such that the identity retains control over access privileges of the plurality of applications to the data. This feature is recited by amendment in each of the independent claims now pending (including Claims 1, 22, 24, 27, 48, 52, 53, 54 and 55). Tuatini merely describes an application framework that responds in a flexible manner to requests from clients, and does not describe, teach or suggest that the data structure being accessed is associated with an identity in this recited manner. Furthermore, Tuatini does not teach, describe or suggest that the network message representing the request identifies the data structure by identifying the identity. Thus, Claims 1, 22, 23 and 24 are not anticipated by Tuatini either. Neither are these missing features described, taught or suggested by any of the other cited art of record. Thus, Claims 1, 22, 23 and 24 are not rendered unpatentable under 35 U.S.C. 103(a) over Tuatini either singly or in combination with any of the other art of record.

Claims 3-12, 14-16 depend (directly or indirectly) from Claim 1, and thus are not unpatentable over Tuatini, either singly or in combination with any of the other art of record, at least for the same reasons provided for Claim 1. Claims 25 and 26 depend from Claim 24 and thus are not unpatentable over Tuatini, either singly or in combination with any of the other art of record, at least for the same reasons provided for Claim 24. Claims 28, 31-36, 38, 41-43, and 45-47 depend (directly or indirectly) from Claim 27, and thus a prima facie case of anticipation has not been established in the Office Action for these claims at least for the same reasons that the Office Action does not establish a prima facie case for anticipation for Claim 27. Claim 50

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depends from Claim 48, and thus a prima facie case of anticipation has not been established in the Office Action for Claim 50 at least for the same reasons that the Office Action does not establish a prima facie case for anticipation for Claim 48. Thus, the 35 U.S.C. 102(e) rejection in Section 1 of the Office Action should be withdrawn.

The Office Action further rejects Claims 37-40 (and presumably Claim 44) under 35 U.S.C. 103(a) as being unpatentable over Tuatini in view of United States patent publication number 2002/0055951 applied for by Shigetomi et al. (hereinafter "Shigetomi"). This rejection relies upon the assertion that "Tuatini discloses the invention substantially as disclosed in claim 27". However, as explained above, the Office Action does not provide a prima facie case for anticipation of Claim 27. Furthermore, as explained above, Tuatini does not teach or suggest at least that the data structure represents data that is associated with an identity such that the data belongs to the associated identity and also such that the identity retains control over access privileges of the plurality of applications to the data. This feature is also not taught in Shigetomi. Thus, Tuatini and Shigetomi, even if combined do not teach or suggest all of the features of Claim 27, even though the appropriateness of the combination is not conceded. Therefore, the combination of Tuatini and Shigetomi also does not teach or suggest all of the features of Claims 37-40 and 44, which depend from Claim 27. Thus, the 35 U.S.C. 103(a) rejection of Claims 37-40 and 44 should be withdrawn.

The Office Action rejects Claims 29, 30 and 51 under 35 U.S.C. 103(a) as being unpatentable over Tuatini in view of United States patent number 6,189,032 issued to Susaki et al. (hereinafter "Susaki"). This rejection relies upon the conclusion that Tuatini discloses the invention substantially as disclosed in Claims 27 and 51. However, as explained above, the Office Action does not provide a prima facie case for anticipation of Claims 27 and 51.

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Furthermore, as explained above, Tuatini does not teach or suggest at least that the data structure represents data that is associated with an identity such that the data belongs to the associated identity and also such that the identity retains control over access privileges of the plurality of applications to the data. This feature is also not taught in Susaki. Thus, Tuatini and Susaki, even if combined do not teach or suggest all of the features of Claims 27 and 51, even though the appropriateness of the combination is not conceded. Therefore, the combination of Tuatini and Susaki also does not teach or suggest all of the features of Claims 29, 30 and 51, which depends from Claims 27 or 51. Thus, the 35 U.S.C. 103(a) rejection of Claims 29, 30 and 51 should be withdrawn.

The Office Action rejects Claims 19-21 under 35 U.S.C. 103(a) as being unpatentable over Tuatini in view of United States patent number 6,678,682 issued to Jenkins et al. (hereinafter "Jenkins"). This rejection relies upon the conclusion that Tuatini discloses the invention substantially as disclosed in Claim 1. However, as explained above, Tuatini does not teach or suggest at least that the data structure represents data that is associated with an identity such that the data belongs to the associated identity and also such that the identity retains control over access privileges of the plurality of applications to the data. This feature is also not taught in Jenkins. Thus, Tuatini and Jenkins, even if combined do not teach or suggest all of the features of Claim 1, even though the appropriateness of the combination is not conceded. Therefore, the combination of Tuatini and Jenkins also does not teach or suggest all of the features of Claims 19-21, which depends from Claim 1. Thus, the 35 U.S.C. 103(a) rejection of Claims 19-21 should be withdrawn.

The Office Action rejects Claims 13 under 35 U.S.C. 103(a) as being unpatentable over Tuatini in view of United States patent application publication number 2002/0015042 applied for

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by Robotham et al. (hereinafter "Robotham"). This rejection relies upon the conclusion that Tuatini discloses the invention substantially as disclosed in Claim 1. However, as explained above, Tuatini does not teach or suggest at least that the data structure represents data that is associated with an identity such that the data belongs to the associated identity and also such that the identity retains control over access privileges of the plurality of applications to the data. This feature is also not taught in Jenkins. Thus, Tuatini and Robotham, even if combined do not teach or suggest all of the features of Claim 1, even though the appropriateness of the combination is not conceded. Therefore, the combination of Tuatini and Robotham also does not teach or suggest all of the features of Claim 13, which depends from Claim 1. Thus, the 35 U.S.C. 103(a) rejection of Claim 13 should be withdrawn.

Thus, all of the present claims are not anticipated nor rendered unpatentable over any of the cited references, either singly or in combination. Accordingly, favorable action is respectfully requested. In the event that there is any issue regarding this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 2nd day of December, 2005.

Respectfully submitted,



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